

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION AGENDA  
3060 Eiwa Street, Lihue, Hawai'i, Conference Rm A - C  
May 26, 2011, 9:00 a.m.

ORDER OF BUSINESS

Roll Call  
Approval of Agenda  
Approval of Minutes of April 19, 2011

A - OFFICE OF THE CHAIRMAN

- A-1 Resolution No. 253 - Stuart Keahiahi Hanchett
- A-2 Native Hawaiian Government Reorganization Act of 2011

B - HOMESTEAD SERVICES DIVISION

- B-1 HSD Status Reports
  - Exhibits:
    - A - Homestead Lease and Application Totals and Monthly Activity Reports
    - B - Delinquency Report and Status of Contested Case Hearings
    - C - DHHL Guarantees for USDA-RD Loans
    - D - DHHL Guarantees for Habitat for Humanity Loans
    - E - Report on Amendments to Lease
    - F - Report on Exchanges of Leases
- B-2 Notification of Various Lease Awards and Cancellation of Corresponding Applications
- B-3 Use of Native Hawaiian Block Grant Funds - Kanehili Phase 4 (East Kapolei I Subdivision), Kapolei, O`ahu
- B-4 Rescission of Homestead Lease Awards and Reinstatement of Applications
- B-5 Ratification of Loan Approvals
- B-6 Ratification of Consent to Mortgage
- B-7 Refinance of Loans
- B-8 Schedule of Loan Delinquency Contested Case Hearings
- B-9 Homestead Application Transfers / Cancellations
- B-10 Commission Designation of Successors to Application Rights (Deceased)
- B-11 Ratification of Designations of Successors to Leasehold Interest and Designation of Persons to Receive the Appraised Value
- B-12 Ratification of Assignment of Leasehold Interest
- B-13 Commission Designation of Successor - **Annette L. Jardine**
- B-14 Commission Designation of Successor - **Tracy A. Kuoha**

- B-15 Commission Designation of Successor - **Ainsley K. Aiwohi**
- B-16 Request to Schedule Contested Case Hearing - **Lease Violation**
- B-17 Lease Cancellations
- B-18 Request for Contested Case Hearing - **Gwendolyn Vida**

#### **D – LAND MANAGEMENT DIVISION**

- D-1 Annual Renewal of Revocable Permits, Statewide
- D-2 Issuance of Right-of-Entry Permit, City and County of Honolulu, Department of Design and Construction, Papakolea, Island of O`ahu
- D-3 Issuance of Right-of-Entry Permit, State Department of Land and Natural Resources, Ka`u, Island of Hawai`i
- D-4 Issuance of License as Easement, Hawai`i Electric Light Company, Inc., Āhualoa, Hamakua, Island of Hawai`i
- D-5 Issuance of License as Easement, State of Hawai`i Department of Transportation, Kohala, Island of Hawai`i
- D-6 License Agreement No. 673, `Oiwī Lokahi O Ka Mokupuni O Keawe, Humu`ula, Hawai`i
- D-7 Ratification of Notices of Default and Revocation, Statewide
- D-8 Ratification of Consents and Approvals by Chairman, Hawaiian Homes Commission, Statewide
- D-9 Issuance of General Lease, Pacific West Energy, LLC, Kekaha, Island of Kaua`i

#### **E - PLANNING DIVISION**

- E-1 Na Kupa`a O Kuhio Project Agreement and License for East Kapolei IIB Water and Wastewater System Project

#### **EXECUTIVE SESSION**

The Commission anticipates convening in executive meeting Pursuant to §92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.

1. Richard Nelson, III, Kaliko Chun et al. vs HHC, Civil No. 09-1-161507
2. Leimomi Lum vs HHC, Civil No. 09-1-2332-10
3. Beth Ann Wong vs DHHL, Civil No. 10-1-2237-10 RAT
4. Hui Makaainana a Kalawahine vs HHC, et. al
5. Issues Relating to Commission's Powers, Duties, Privileges, Immunities and Liabilities Under the HHCA of 1920 and HAR, Pursuant to §92-5(a)(4), HRS

## ANNOUNCEMENTS AND ADJOURNMENT

1. Next Meeting – June 21, 2011, Hilo, Hawai`i
2. Other Announcements
3. Adjournment



**Albert "Alapaki" Nahale-a, Chairman  
Hawaiian Homes Commission**

## COMMISSIONERS

**Perry O. Artates, Maui  
Donald S.M. Chang, O`ahu  
Imaikalani P. Aiu, Kaua`i  
Vacant, West Hawai`i**

**J. "Kama" Hopkins, O`ahu  
Trish Morikawa, O`ahu  
Ian B. Lee Loy, East Hawai`i  
Henry K. Tancayo, Moloka`i**

The next community meeting will be held on Monday, June 20, 2011 at Nani Mau Gardens, 421 Makalika St., Hilo, Hawai`i at 5:30 p.m.

Special Accommodations (such as Sign Language interpreter, large print, taped materials) can be provided, if requested at least five (5) working days before the scheduled meeting on the respective island by calling (808) 620-9590.

**HAWAIIAN HOMES COMMISSION**  
**Minutes of May 26, 2011**  
**Meeting Held in Lihue, Kaua`i, Hawai`i**

Pursuant to proper call, the 615th Regular Meeting of the Hawaiian Homes Commission was held at the Department of Hawaiian Home Lands, Kaua`i District Office, 3060 Eiwa Street, Lihue, Kaua`i, Hawai`i, beginning at 9:00 a.m.

**PRESENT** Mr. Albert "Alapaki" Nahale-a, Designate Chairman  
Mr. Imaikalani Aiu, Commissioner, Kaua`i  
Mr. Donald S.M. Chang, Commissioner, O`ahu  
Ms. Leimana Damate, Commissioner, West Hawai`i  
Mr. Ian Lee Loy, Commissioner, East Hawai`i  
Ms. Trish Morikawa, Commissioner, O`ahu  
Mr. Henry Tancayo, Commissioner, Moloka`i

**EXCUSED** Mr. Perry Artates, Commissioner, Maui  
Mr. Kama Hopkins, Commissioner, O`ahu

**COUNSEL** Craig Iha, Deputy Attorney General

**STAFF** M. Wai`ale`ale Sarsona, Executive Assistant  
Dan Keli`i, Administrator, Home Services Division  
Linda Chinn, Administrator, Land Management Division  
Darrell Yagodich, Administrator, Planning Office  
Leolani Kini, Supervisor, Land Management Division  
Francis Apoliona, Compliance Officer  
Julie Cachola, Planner, Planning Division  
John Peiper, Enforcement Officer  
Crystal Kua, Information & Community Relations Officer  
Don Aweau, Information & Community Relations  
Juan Garcia, District Supervisor, Homestead Services Division  
Isaac Takahashi, Supervisor, Housing Division  
Dre Kalili, Legislative Assistant, Office of the Chairman  
Elaine Searle Secretary to the Commission

**PULE** Liberta Albao, Kaua`i homesteader

**AGENDA** Commissioner D. Chang moved, seconded by Commissioner Ian Lee Loy, to approve the agenda. Motion carried unanimously.

**MINUTES** Commissioner H. Tancayo moved, seconded by Commissioner D. Chang, to approve the minutes of April 19, 2011 as circulated. Motion carried unanimously.

**COMMENT**

Chairman Nahale-a introduced former Kaua`i Commissioner Tommy Contrades

**ITEM NO: A-1**

**SUBJECT: Resolution No. 253 – Stuart Keahiahi Hanchett**

**MOTION**

Moved by Commissioner D. Chang, seconded by Commissioner I. Lee Loy.

Chairman Nahale-a read Resolution 253 and acknowledged his gratitude and appreciation to retiring Commissioner Stuart Hanchett for his devotion and sincerity in serving the people of Hawai`i and its beneficiaries. Commissioner Trish Morikawa expressed her fond aloha to “Uncle Stu” and how the commission will miss his wisdom and hard work and presence as a commissioner. Incoming Commissioner Imaikalani Aiu shared his mana`o as an incoming member who is beginning to learn the ropes and who will have big shoes to fill. He hopes to meet the expectations as a commission member and continue to serve the beneficiaries in that capacity. Commissioner Tancayo shared words of encouragement to Commissioner Hanchett to continue to be strong in health. As a kupuna who can outwork someone on the ranch, Chairman Nahale-shared how Commissioner Hanchett embodies what kupuna stands for as Uncle Stu represents a role model for him and others. He will leave a "big space" on the commission. His work with an outdoor youth program has given kids a lifelong experience that will leave an indelible mark.

**RECESS** 9:10 a.m.

**MOTION/ACTION**

Moved by Commissioner I. Lee Loy, seconded by Commissioner L. DaMate, to recess for five (5) minutes to express congratulatory well wishes to retiring Commissioner Stuart Hanchett who has served as Hawaiian Homes Commissioner since 2005. Motion carried unanimously.

**RECONVENE** 9:15 a.m.

**MOTION/ACTION**

Moved by Commissioner D. Chang, seconded by Commissioner H. Tancayo to reconvene to regular meeting. Motion carried unanimously

**ITEM NO: A-2**

**SUBJECT: Native Hawaiian Government Reorganization Act of 2011**

**RECOMMENDATION**

- 1) To support passage of legislation regarding the relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity
- 2) Department efforts to educate Native Hawaiians and the general public about legislation for federal recognition and advocate for its passage into law

**MOTION/ACTION**

Moved by Commissioner D. Chang, seconded by Commissioner H. Tancayo. Motion carried unanimously.

**COMMENT**

Chairman Nahale commented that he appreciates the support and backing of the commission when he is involved in these efforts done locally and in Washington D.C.

**ITEM NO: B-1**

**SUBJECT: HSD Status Reports**

**MOTION/ACTION**

None, for information only.

**COMMENT**

Homestead Services Administrator Dan Keli`i presented a summary of the various monthly activity reports. Chairman Aiu was impressed with the compilation in the detailing of reports presented which provides a quick overview of the monthly transactions. Deputy Chairman Bob Hall, Dan Keli`i and staff were commended for the excellent information that is provided in this report.

**ITEM NO: B-2**

**SUBJECT: Notification of Various Lease Awards and Cancellation of Corresponding Applications**

MOTION/ACTION

Moved by Commissioner D. Chang, seconded by Commissioner T. Morikawa. Motion carried unanimously.

**ITEM NO: B-3**

**SUBJECT: Use of Native Hawaiian Block Grant Funds – Kanehili Phase 4 (East Kapolei I Subdivision), Kapolei, O`ahu**

MOTION/ACTION

None, for information only.

COMMENT

Chairman Nahale-a acknowledged department staff for their assistance in leveraging these resources.

**ITEM NO: B-4**

**SUBJECT: Rescission of Homestead Lease Awards and Reinstatement of Applications**

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

**ITEM NO: B-5**

**SUBJECT: Ratification of Loan Approvals**

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner Ian Lee Loy. Motion carried unanimously.

**ITEM NO: B-6**

**SUBJECT: Ratification of Consent to Mortgage**

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

**ITEM NO: B-7**

**SUBJECT: Refinance of Loans**

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner H. Tancayo. Motion carried unanimously.

**ITEM NO: B-8**

**SUBJECT: Schedule of Loan Delinquency Contested Case Hearings**

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner D. Chang. Motion carried unanimously.

**ITEM NO: B-9**

**SUBJECT: Homestead Application Transfers/Cancellations**

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

**ITEM NO: B-10**

**SUBJECT: Commissioner Designation of Successors to Application Rights (Deceased)**

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner H. Tancayo. Motion carried unanimously.

**ITEM NO: B-11**

**SUBJECT: Ratification of Designations of Successors to Leasehold Interest and Designation of Persons to Receive the Appraised Value**

**MOTION/ACTION**

Moved by Commissioner T. Morikawa, seconded by Commissioner D. Chang. Motion carried unanimously.

**ITEM NO: B-12**

**SUBJECT: Ratification of Assignment of Leasehold Interest**

**MOTION/ACTION**

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

**ITEM NO: B-13**

**SUBJECT: Commission Designation of Successor – Annette L. Jardine**

**MOTION/ACTION**

Moved by Commissioner T. Morikawa, seconded by Commissioner D. Chang. Motion carried unanimously.

**ITEM NO: B-14**

**SUBJECT: Commissioner Designation of Successor – Tracy A. Kuoha**

**MOTION/ACTION**

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

**ITEM NO: B-15**

**SUBJECT: Commission Designation of Successor – Ainsley K. Aiwohi**

**MOTION/ACTION**

Moved by Commissioner T. Morikawa, seconded by Commissioner H. Tancayo. Motion carried unanimously.

**ITEM NO: B-16**

**SUBJECT: Request to Schedule Contested Case Hearing – Lease Violation**

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by T. Morikawa. Motion carried unanimously.

**ITEM NO: B-17**

**SUBJECT: Lease Cancellations**

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

**ITEM NO: B-18**

**SUBJECT: Request for Contested Case Hearing – Gwendolyn Vida**

MOTION/ACTION

Moved by Commissioner D. Chang, seconded by Commissioner H. Tancayo.

AMENDED MOTION/ACTION

Moved by Commissioner D. Chang, seconded by Commissioner, L. Damate to table this item to the end of this agenda.

ACTION

Motion carried unanimously.

**ITEM NO: D-1**

**SUBJECT: Annual Renewal of Revocable Permits, Statewide**

RECOMMENDATION

- 1) Continuation of the Revocable Permits listed on Exhibit "A" at the recommended rentals, effective July 1, 2011.
- 2) Department be authorized to extend all Revocable Permits issued by June 30, 2011 on a month-to-month basis for up to twelve months, but no longer than June 30, 2012 as deemed appropriate.

- 3) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed appropriate and necessary.

MOTION/ACTION

Moved by Commissioner I. Aiu seconded by Commissioner I. Lee Loy. Motion carried unanimously.

DISCUSSION

Chairman Nahale-a re-emphasized Revocable Permits (RP) are month-to-month leases and steps need to be taken to continue to reissue these permits for the next twelve months. A status report is being prepared on all of the land dispositions described under Revocable Permits (RP's), General Leases (GL's) and General Licenses.

**ITEM NO: D-2**

**SUBJECT: Issuance of Right-of-Entry Permit, City and County of Honolulu, Department of Design and Construction, Papakolea, Island of O`ahu**

MOTION/ACTION

Moved by Commissioner H. Tancayo, seconded by Commissioner D. Chang. Motion carried unanimously.

**ITEM NO: D-3**

**SUBJECT: Issuance of Right-of-Entry Permit, State Department of Land and Natural Resources, Ka`u, Island of Hawai`i**

RECOMMENDATION

To authorize the issuance of a permit to Department of Land and Natural Resources - Division of Forestry and Wildlife (DLNR - DOFAW) to enter Hawaiian home lands in Ka`u. The purpose of the Right-of-Entry (ROE) shall be for surveying and eradication of Axis deer subject to the conditions listed.

MOTION

Moved by Commissioner T. Morikawa, seconded by Commissioner L. DaMate.

DISCUSSION

Mr. Paul Conroy, DOFAW Administrator, expressed appreciation to the Commission in granting access to DHHL lands in Ka`u to locate and eradicate Axis deer at South Point. DLNR is

currently collecting data and plan to survey the area by helicopter to locate the extent of the deer. Eradication of the Axis deer is to preserve the agricultural and koa forest lands as well the water sheds which are unique to the Big Island. The recommendation to remove the Axis deer has been evidenced by the damage caused to the island of Maui in its agricultural and native ecosystems. Mr. Conroy noted that Axis deer has never been introduced on the Big Island. Eminent protection is deemed necessary in protecting the Big Island's ecosystem before damages are elevated. Use of 8 ft fencing may hamper or deter the damage deer have created from stripping the bark off of trees. Commissioner L. DaMate, a resident of Ka`u, concurs that the Axis deer is a genuine problem and a danger to the community. She asked that DLNR consider having the Hawaiian homestead community be asked to partner in this endeavor as they are very familiar with the terrain. Mr. Conroy is willing to engage in partnering with anyone who wishes to assist in this effort including land owners. It was suggested to have the carcasses of meat be distributed by the hunters amongst the community. Commissioner L. DaMate recommended a stipulation be added to **"allow Hawaiian homestead members who live in the area be utilized as guides and be part of the working groups."** Chairman Nahale-a noted these two conditions can be incorporated into Item No.18 "All other terms and conditions deemed prudent by the Chairman of the Hawaiian Homes Commission."

A liability issue was addressed. Mr. Conroy indicated DLNR would manage that aspect for volunteers who are deemed agents and who abide by certain guidelines. Testimony from DLNR Chairperson William Aila was circulated among commission members supporting these efforts.

Mr. Conroy requested to utilize ATV's on established roads. Chairman Nahale-a asked for commission input and, if acceptable, consider this request be appended to Items No.9 and 10, Page 2 **"except for established roads"**, enlisting the use of all terrain vehicles (ATV).

#### AMENDED MOTION #1

Motion by Commissioner I. Lee Loy, seconded by Commissioner T. Morikawa in support.

#### DISCUSSION.

Concern and apprehension was expressed regarding the usage of ATV's which are known to "tear up" the road sides. Mr. Conroy clarified that state 4-wheel drive state vehicles are not built to sustain the kinds of punishment on unimproved roads whereas ATV's can provide that kind of buffer on harsh lands.

#### ACTION

Motion carried unanimously.

DISCUSSION

DOFAW Administrator Conroy asked that Item No. 14 be eliminated due to the fact that the state is self-insured and therefore not required to be additionally insured.

AMENDED MOTION #2/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner I. Lee Loy to remove Item No. 14. Motion carried unanimously.

ACTION

Motion carried unanimously.

COMMENT

DOFAW Administrator Conroy expressed appreciation in having this request approved. Chairman Nahale-a thanked DLNR for the quick response in handling the eradication efforts. In matters other than the Axis deer, Kekaha community has expressed concern that lands turned over to DHHL have not benefited the beneficiaries namely because the lands are being utilized for hunting purposes. Chairman recommends the two entities come together and work on a viable solution. Commissioner I. Lee Loy suggested the police in Ka'u be notified when the eradication process begins so they can anticipate and co-ordinate in handling any complaints in an appropriate manner.

**ITEM NO: D-4**

**SUBJECT: Issuance of License as Easement, Hawai'i Electric Light Company, Inc.,  
Ahualoa, Hamakua, Island of Hawai'i**

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner L. DaMate. Motion carried unanimously.

DISCUSSION

Although not part of this submittal, Commissioner I. Lee Loy queried about a spigot for DHHL beneficiaries. Land Management Administrator Linda Chinn said the license is for HECO to service Board of Water Supply (BOWS). Part of the agreement is to have BOWS provide the spigot for beneficiaries. Discussions are in progress to determine the roles and responsibilities of this tri-party agreement. West Hawai'i District Supervisor Jim DuPont is aware of this process and will determine the placing of the spigot. Ms. Chinn indicated a report to the commission will follow when the issue of the spigot arises.

**ITEM NO: D-5**

**SUBJECT: Issuance of License as Easement, State of Hawai'i Department of Transportation, Kohala, Island of Hawai'i**

**MOTION/ACTION**

Moved by L. Damate, seconded by Commissioner I. Lee Loy. Motion carried unanimously.

**ITEM NO: D-6**

**SUBJECT: License Agreement No. 673, 'Oiwi Lokahi O Ka Mokupuni O Keawe, Humu'ula, Hawai'i**

**RECOMMENDATION**

Grant approval to the following amendments to License Agreement 673:

- 1) Grant extension of twenty-four months to License Agreement with extended term to expire 12/31/13;
- 2) Grant additional acreages up to 1,000 acres for remainder of Laumaia II and portion located on bottom half of Laumaia I;
- 3) Consent to Exclusive sub-license agreement with Carbon Bio-Engineers, Inc. for partnering to eradicate and processing of gorse shrubs.

**MOTION**

Moved by Commissioner Lee Loy, seconded by Commissioner L. DaMate.

**DISCUSSION**

Ms. Kanani Kapuni`ai, OIWI president, requested a sentence be added for clarification on Page 4 at the end of Discussions. "Should CBE default, terms and conditions of the exclusive sub-license agreement and all the initial existing license agreement, OIWI should have the option to execute another sub-license agreement with another entity to carry out the purpose and activity listed therein upon approval by the Chairman." Commissioner T. Morikawa said she is uncomfortable with a sub-licensing to a non-native Hawaiian group and is hesitant to place the burden on the Chairman without it first coming before the commission. If CBE defaults, it should be worked out between OIWI and CBE, not the department. If a default occurs, then the department should be notified immediately, added Chairman Nahale-a. It was further noted that a new technology is being introduced. The equipment is modular and can be moved to different sites. The gorse will be processed on site then removed in containers. Thus far, no gorse has been processed. Commission agreed **not** to add changes to the initial agreement.

ACTION

Motion carried unanimously.

COMMENT

This agreement covers 1,000 acres, nothing more. Should this technology be proven effective, a relationship may be formed between the department and the contractor.

**ITEM NO: D-7**

**SUBJECT: Ratification of Notices of Default and Revocation, Statewide**

MOTION/ACTION

Moved by Commissioner D. Chang, seconded by Commissioner T. Morikawa. Motion carried unanimously.

DISCUSSION

Land Management Division (LMD) is improvising a better method of reporting delinquencies. The report may be available at next month's meeting.

**ITEM NO: D-8**

**SUBJECT: Ratification of Consents and Approvals of Chairman, Hawaiian Homes Commission, Statewide**

MOTION

Moved by Commissioner T. Morikawa, seconded by Commissioner L. DaMate. Motion carried unanimously.

ACTION

Motion carried unanimously.

**RECESS:** 10:10 a.m.

MOTION/ACTION

Moved by Commissioner I. Lee Loy, seconded by Commissioner L. DaMate. Motion carried unanimously.

**RECONVENE:** 10:25 a.m.

**ITEM NO:** D-9

**SUBJECT:** Issuance of General Lease, Pacific West Energy, LLC, Kekaha, Island of Kaua`i

**RECOMMENDATION**

Land Management Administrator Linda Chinn read the joint effort recommendation of Planning Office and Land Management Division which is a two-part motion:

- 1) Approve the Beneficiary Consultation Report prepared by DHHL's Planning Office, as a means to identify and address the concerns of trust beneficiaries with regard to renewable energy development on Hawaiian home lands in Waimea, Kaua`i ;
- 2) Authorize the issuance of a general lease to Pacific West Energy, for the use of approximately 14,000 acres of land in Kekaha and is subject to the conditions as listed in the recommendation.

**MOTION**

Moved by Commissioner T. Morikawa, seconded by Commissioner D. Chang. Motion carried unanimously.

**DISCUSSION**

Chairman Nahale-a requested a motion to defer this matter based on the comments and testimony received the previous day at workshop and community meeting venues.

**AMENDED MOTION**

Moved by Commissioner L. DaMate, seconded by Commissioner T. Morikawa to defer this item.

**DISCUSSION**

Chairman Nahale-a thanked Commission for its decision as this project clearly lacks the necessary support from the community in Kekaha. By deferring, it allows conversations to continue, and community and developer to work on these issues. He encourages conversation to continue and welcomes a meeting with Kekaha community directly to improve the department's process. Commissioner T. Morikawa concurs the community needs to embrace the project. There is a lot of good behind this project, but with a lack of support, it appears everything may go awry. Commissioner I. Lee Loy thanked Planning Office for partnering with Pac-West to utilize resources available in maintaining waterways and road access. Money issues are difficult and partnering with private businesses serves as a viable resource. Commissioner I. Aiu believes

this project doable in sustaining clean energy, but without community support, he cannot support the project. Commissioner D. Chang favors a dialogue to address all other issues and concerns.

### ACTION

Motion carried unanimously.

### ITEM NO: E-1

### SUBJECT: Na Kupa`a O Kuhio Project Agreement and License for East Kapolei IIB Water and Wastewater System Project

### RECOMMENDATION

Planning Office Administrator Darrell Yagodich read recommendation to approve issuance of:

- 1) Project agreement to Nā Kūpa`a O Kūhio to define project specific roles between DHHL and Nā Kūpa`a O Kūhio related to East Kapolei IIB potable water and wastewater system improvement project which has funds obligated from USDARD.
- 2) Non-exclusive and benefit license as easement to Nā Kūpa`a O Kūhio.

### MOTION

Moved by Commissioner T. Morikawa, seconded by Commissioner H. Tancayo.

### DISCUSSION

Chairman Nahale-a introduced Nā Kūpa`a O Kūhio member Tom Contrades who thanked the commission for the opportunity to represent Nā Kūpa`a. Mr. Contrades articulated how essential it is to strengthen a working relationship with the department to assist with servicing the beneficiaries. Chairman Nahale-a communicated to the new commissioners the benefits of creating a non-profit was to secure federal funds. It is important to note that members of Nā Kupa`a offer their free time and expertise. Commissioner T. Morikawa added that most people are not aware of how much money the department saves through engineered water projects provided by Nā Kūpa`a. Notable board members include retiring KSBE president Michael Chun, former DHHL Chairman Micah Kāne and Riley Smith. The department has dedicated Planning Office staff member, Gigi Cairel to manage this important program, and she has done a very commendable and challenging feat, added Chairman Nahale-a. Mr. Contrades added Gigi Cairel has done an outstanding job. Other projects included water projects on Moloka`i, Maku`u (Big Island), Kapolei, O`ahu and Pi`ilani Mai Kekai, Kaua`i.

Commissioner Imai Aiu inquired what role does commission need to play in assisting this relationship. Chairman Nahale-a suggested more involvement by the commission in its policy level decisions as these types of projects call for leverage when dealing with non-profit through

"in kind" or "loan" issues. Understanding staff level is critical as the Planning Office has limited personnel to handle all the varied projects.

ACTION

Motion carried unanimously.

RECESS: 10:45 A.M.

MOTION/ACTION

Moved by Commissioner I. Lee Loy, seconded by Commissioner T. Morikawa to adjourn to Executive Session. Motion carried unanimously.

EXECUTIVE SESSION

The Commission convened in Executive Session Pursuant to Section 92-5 (a), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities.

1. Leimomi Lum vs HHC, Civil No. 09-1-2332-10
2. Richard Nelson III, Kaliko Chun, et al. vs HHC, Civil No. 09-1-161507
3. Beth Ann Wong vs DHHL, Civil No. 10-1-2237 – 10 RAT.
4. Hui Makaainana a Kalawahine vs HHC, et al
5. Issues Relating to Commission's Powers, Duties, Privileges, Immunities and Liability Under the HHCA of 1920 and HAR, Pursuant to

RECONVENE: 1:30 P.M.

MOTION/ACTION

Moved by Commissioner T. Morikawa, seconded by Commissioner I. Lee Loy to reconvene to regular meeting. Motion carried

ADJORNMENT: 1:30 P.M.

MOTION/ACTION

Moved by Commissioner Morikawa, seconded by Commissioner I. Aiu to adjourn the meeting. Motion carried unanimously.

Hawaiian Home Lands, May 26, 2011  
Lihue, Hawai'i

**ANNOUNCEMENTS AND ADJOURNMENT**

**NEXT MEETING** June 21, 2011, Hilo, Hawai'i

**ANNOUNCEMENTS** Community meeting scheduled on June 20, 2011 at Nani Mau Gardens, 421 Makalika St., Hilo, Hawai'i.

**ADJOURNMENT** 1:30 p.m.

Respectfully submitted,



Albert "Alapaki" Nahale-a, Chairman  
Hawaiian Homes Commission

Prepared by:



Elaine Searle, Secretary  
Hawaiian Homes Commission

APPROVED BY:  
The Hawaiian Homes Commission  
At Its Regular Monthly Meeting Of  
June 21, 2011



Albert "Alapaki" Nahale-a, Chairman  
Hawaiian Homes Commission